UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.29
15 February 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Philippines

1. The Committee considered the initial report of the Philippines (CRC/C/3/Add.23) at its 185th, 186th and 187th meetings (CRC/C/SR.185-187), held on 10 and 11 January 1995, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes with satisfaction the submission of the initial report of the Philippines, which was one of the first States to become party to the Convention on the Rights of the Child. The Committee expresses its appreciation that the report followed the Committee's guidelines and that it contained detailed information on the legal framework within which the Convention is implemented as well as some mention of the difficulties encountered by the State. The Committee welcomes the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C.7/WP.3), which was communicated to it before the session. The Committee, however, notes with regret the lack of information on the concrete effects of measures adopted.

* At the 208th meeting, held on 26 January 1995.

3. The supplementary information provided by the numerous members of the delegation of the Philippines and the fact that the delegation was composed of members involved in a diversity of sectors in various child-related issues made it possible to supplement information received in writing and to engage in an open and constructive dialogue.

B. Positive aspects

4. The Committee takes note of the firm commitment of the Government of the Philippines to the promotion and protection of the rights of the child. The Committee welcomes the efforts made by the State party in bringing domestic law into line with the Convention, through the enactment of new laws and the adoption of programmes specifically aimed at promoting and protecting the rights of the child. Among these achievements was the adoption, following the World Summit for Children in 1990, of the Philippine Plan of Action for Children entitled "The Filipino Children: 2000 and Beyond".

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes the geographical and cultural diversity, the dispersal of the population throughout the 7,000 islands of the archipelago, and the wide economic and social disparities existing in the country.

6. The Committee further recognizes the difficulties arising from political instability in a period of democratization, including the adverse effects of the armed conflict on children.

7. The Committee also notes that natural disasters have had a negative impact on the situation of children.

D. Principal subjects of concern

8. The Committee is concerned that in spite of serious efforts and achievements in the area of legislative reform, steps remain to be taken to bring national legislation into full conformity with the Convention, including in regard to the minimum age of criminal responsibility, minimum age for sexual consent, minimum age of access to employment, compulsory schooling age limit, status of children born out of wedlock, the prohibition of torture, intercountry adoption and legislation concerning the administration of juvenile justice, including deprivation of liberty and criminalization of vagrancy.

9. The lack of efficient mechanisms to monitor the situation of children is a matter of concern. The Committee notes in this regard a lack of reliable qualitative and quantitative data, a shortage of means to implement programmes, and a lack of indicators and mechanisms to evaluate the progress and impact of policies adopted.

10. The Committee is equally concerned that insufficient attention seems to have been paid to the provisions of article 4 of the Convention concerning budgetary allocations. The present balance of resource allocations in the State party between the social and other sectors, and the high proportion of military expenditures to the detriment of child-related issues, are noted with

concern. In this regard, the Committee expresses its concern at the unequal distribution of the national wealth in the country and the disparities in the enjoyment of the rights provided for under the Convention, to the detriment of poor urban children, children living in rural areas and children belonging to minorities (or "cultural" communities).

11. The Committee is concerned at the difficulties in ensuring the registration of children after birth, as well as at the problems faced by children who have not been registered in the enjoyment of their fundamental rights and freedoms.

12. The Committee also expresses its concern at the lack of practical measures to ensure the full enjoyment of the rights recognized in the Convention by certain categories of children, including girl children, disabled children, children of mixed marriages, children of overseas workers, working children, and children affected by armed conflicts.

13. The Committee is seriously alarmed by the existence of child abuse (including sexual abuse) and neglect within the family, which often lead to children being abandoned or running away, thus facing the additional risks of violations of their human rights.

14. The Committee is also preoccupied by the level of violence and the high incidence of ill-treatment and abuse of children, including cases attributed to the police or military personnel. It notes with concern that the efforts of the Government to combat child abuse and neglect are insufficient, both from the prevention and the sanction point of view. The lack of rehabilitation measures for such children is also a matter of concern. The failure to take effective steps to prosecute and punish those responsible for such violations or to make public decisions taken in this regard, including towards paedophiles, may lead to a feeling in the population that impunity prevails and that it is therefore useless to bring complaints before the competent authorities.

15. With respect to the right to education, the Committee notes with concern that there has been little progress in fully implementing the relevant principles and provisions of the Convention, in particular with respect to girl children, children living in rural or remote areas and children affected by the armed conflict. The Committee is also worried by the lack of vocational training opportunities, the high drop-out rate in primary education and the low rate of enrolment in secondary education.

16. The large and growing number of children who, due to rural exodus, extreme poverty, abandonment, as well as situations of violence within the family, are forced to live and/or work in the streets, are deprived of their fundamental rights and exposed to various forms of exploitation, is a matter of deep concern.

17. Specific concern is also expressed about the present organization of the system of administration of juvenile justice and its lack of compatibility with the principles and provisions of the Convention and other international standards relating to juvenile justice.

E. Suggestions and recommendations

18. The Committee recommends that the State party continue to harmonize domestic legislation with the provisions of the Convention. Serious consideration should be given to raising the age limit for sexual consent and penal responsibility, to eliminating discrimination towards children born out of wedlock, to the prohibition of torture and to the revision of legal provisions with regard to the administration of juvenile justice. The Committee also suggests that the State party envisage ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993. The Committee also recommends that the Government take all necessary steps to ensure the respect and effective implementation of the provisions contained in the Convention.

19. Coordination between the various governmental agencies involved in the implementation of the Convention and its monitoring should be ensured, and efforts should be made towards closer cooperation with non-governmental organizations.

20. Measures should be taken to strengthen the monitoring mechanisms of the Convention. Qualitative and quantitative data and indicators for evaluating the progress and efficiency of programmes aiming at the full enjoyment of children's rights should be developed. Publicity should also be given to the monitoring reports on the implementation of the rights of the child.

21. The authorities should undertake all appropriate efforts to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, taking into special consideration the needs of the most vulnerable groups.

22. More children's rights-oriented training programmes should be organized for various professional groups such as teachers, judges, social workers and police officials. Such programmes should emphasize the promotion and protection of the fundamental rights of the child and the child's sense of dignity. Greater efforts should be made to provide family life education and develop awareness of the responsibility of the parents. The Committee encourages non-governmental organizations and children and youth groups to pay attention to the need to change attitudes as part of their advocacy action.

23. The Committee emphasizes that the principle of non-discrimination, as provided for under article 2 of the Convention, must be fully applied. A more active approach should be taken to eliminate discrimination against certain groups of children, in particular children in remote areas, children belonging to "cultural" communities, girl children, disabled children and children born out of wedlock.

24. The Committee recommends that the State intensify its action against all violence directed at and ill-treatment of children, in particular sexual abuse. An increased number of programmes should aim at the prevention of sexual misbehaviour towards children. The deep causes of the phenomenon should be seriously looked at. The Committee also recommends the active participation of non-governmental organizations as well as children and youth groups in changing and influencing attitudes in that regard.

25. The State party should ensure that adequate procedures and mechanisms to deal with complaints of child ill-treatment are developed, that cases of violations of children's rights are duly investigated and that the results of such investigations are given publicity.

26. The Committee recommends that further measures be taken to implement the provisions of article 32, including in relation to the minimum age of access to employment, and that efforts be made to prevent and combat child labour in the country. Particular attention should be paid to children working in the informal sector. The Committee recommends that the State party seek technical assistance from ILO in this area.

27. The Committee recommends that the State party undertake a comprehensive reform of the system of administration of juvenile justice and that this reform be guided by the principles and provisions of the Convention as well as other relevant international standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee suggests that training of the law enforcement personnel, judges and other administration of justice officials be organized and that part of such training be devoted to these international standards of juvenile justice. The Committee underlines the need for technical assistance in this area and encourages the State party to seek such assistance from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the United Nations in this regard.

28. The Committee also recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.